IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.335 OF 2006
IN
NOTICE OF MOTION NO.875 OF 2006

Brendin Gerald D'souza & Ors. .. Appellants
V/s
Smt.Merlyn D/o Basil J.Henriques .. Respondents

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Mr.Virag Tulzapurkar, Sr.Counsel i/by M/s.Kadam & Co.for the Appellants.
Mr.Sakhardande with Mr.Wagh for Respondent No.1.
Mr.Vishal Kasbekar with Mr.B.A.Rumao for Resp.No.2.
Mr.Clive D'Souza for Respondent No.3.
Mr.A.A.Joshi for Respondent No.4.

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CORAM: DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 28.04.2006.

P.C.:

1. Heard the learned Counsel for the parties. Appeal is admitted. the learned Counsel for the Respondents waives service. By consent Appeal is taken up for final hearing.

2. By this Appeal, the Appellants are challenging an order dated 7th April, 2006 passed by the learned Single Judge in the Notice of Motion No.875 of 2006. After some arguments, the learned Counsel for the Appellants submits that the Appellants should be granted liberty to move the learned Single Judge by way of an ad-interim application to seek a relief to protect the income derived by the Respondents with regard to the five cottages which are admittedly part of the estate of the

deceased. In view of the same, we grant the aforesaid liberty to the Appellants to move the learned Single Judge. Appeal stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.J.VAZIFDAR, J.)